

From: David R. Freeman
To: Microsoft ATR
Date: 1/16/02 10:53am
Subject: Microsoft's at it again! ""Destroy! Take no prisoners

Greetings:

Please look at the Lindows Press Release that follows.

David R. Freeman

To: dave@rvers.net
Errors-To: mailmgr+3653+1011068361+dave+rvers.net@primezone.net
From: "Cheryl Schwarzman" <cheryl@lindows.com>
MIME-Version: 1.0
Content-Type: multipart/alternative; boundary="PZ_5CUipAEgpgYYpcGgB2V1b2Q5A"
X-PrimeZone-Jobnum: 1011068361
Subject: LINDOWS.COM FILES MOTION TO DISMISS PENDING TRADEMARK LAWSUIT
FILED BY MICROSOFT CORPORATION
Message-Id: <20020115141608.4D1A71BE2A@mercury.primezone.com>
Date: Tue, 15 Jan 2002 06:16:08 -0800 (PST)

For Immediate Release

John Bromhead

VP of Marketing,

Lindows.com, Inc.

4350 La Jolla Village Drive, Suite 450

San Diego, CA 92122

pr@lindows.com

858-642-2501 Direct

858-410-5999 Fax

LINDOWS.COM FILES MOTION TO DISMISS PENDING TRADEMARK LAWSUIT FILED
BY MICROSOFT CORPORATION

SAN DIEGO -- January 15th, 2002 -- Lindows.com announced today that it filed a motion to dismiss the pending trademark lawsuit filed by Microsoft Corporation (Nasdaq "MSFT") against Lindows.com. In the lawsuit Microsoft seeks to prevent Lindows.com from using the term "LindowsOS" and "Lindows.com." Because Lindows.com has no presence and conducts no business in the state of Washington, Lindows.com has filed a motion to dismiss the claim citing a lack of personal jurisdiction over the San Diego, CA based company. Both Lindows.com's motion to dismiss and Microsoft's motion for preliminary injunctions are tentatively scheduled for hearing on February 1, 2002.

"We're looking forward to showing the Court the widespread use of the term 'windows' or variations thereof by literally hundreds of companies which are not endorsed or sponsored by Microsoft. The fact that Microsoft has chosen not to sue these companies demonstrates their true motivation in this case is to crush competition from a promising new technology which threatens their illegally obtained monopoly," said Lindows.com CEO, Michael Robertson.

As part of the legal process, Microsoft Corporation demanded that Lindows.com turn over its entire database of names, email addresses and physical addresses for parties interested in the yet-to-be-sold operating system which will run both popular Microsoft Windows software and Linux software.

"We're not happy that a company known for illegal business practices took the unnecessary step of gaining access to our database. In spite of their assurances it will not be used for any purpose outside this case, we've alerted our users of Microsoft's actions and believe this is another way Microsoft is attempting to intimidate a potential competitor," commented Robertson.

In spite of the delays encountered while producing nearly 15,000 pages of documents demanded by Microsoft, development of LindowsOS is continuing. Screenshots of the product are available at

<<http://www.lindows.com/screenshots>><http://www.lindows.com/><<http://www.lindows.com/screenshots>> screenshots.

A Sneak Preview is expected shortly. The Sneak Preview will not be a fully completed product but will showcase many of the unique features such as a friendly install alongside an existing Microsoft Windows operating system, a streamlined installation process which requires no computer knowledge and the ability to run popular Windows-based programs. This will be followed by version 1.0 which will go on sale in early 2002 for \$99.

To receive Lindows.com press releases via email signup at

<<http://www.lindows.com/mailing>>[www.lindows](http://www.lindows.com/mailing)<<http://www.lindows.com/mailing>>.com/mailing

About Lindows.com, Inc.

Lindows.com is a consumer company that brings choice to computer users.

Lindows.com, Inc. uses the latest technology to create affordable, intuitive, user-friendly products. Lindows.com, Inc. was started by Michael Robertson, founder and former CEO of MP3.com. At the core of Lindows.com is a new operating system called LindowsOS?, a modern, affordable, easy-to-use operating system with the ability to run both Microsoft Windows(R) and Linux(R) software.

About Michael Robertson

On the frontlines of music aggregation and distribution, Robertson founded MP3.com, Inc., the Internet's premier Music Service Provider (MSP) in March 1998. MP3.com revolutionized both the way new artists distribute their music as well as the way music lovers acquire and enjoy music. Robertson and the rest of the MP3.com team built a unique and robust technology infrastructure that facilitated the storage, management, promotion and delivery of digital music. MP3.com hosts the largest collection of digital music available on the Internet with more than 1 million songs and audio files posted from over a hundred thousand digital artists and record labels with millions of music fans. Robertson stepped down as CEO of MP3.com to start Lindows.com. Robertson continues to serve in an advisory capacity to Vivendi Universal. MP3.com, Inc. is a wholly owned subsidiary of Vivendi Universal, S.A.

CC: blockyer@caag.state.ca.us@inetgw